

U. S. Application No. 10/825,348
Attorney Docket No. 2003B043D
Reply to Office Action of January 7, 2007
Response dated April 12, 2007

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REMARKS:

Applicants wish to thank the Examiner for the courtesies extended during the in-person interview of February 23, 2007. Reconsideration of this application is requested. Claims 1-73 are currently pending. Claims 1, 2 and 3 have been amended to more particularly describe the beta nucleating agent. Support for this amendment can be found at [0021]. Claim 58 has been amended to simply correct its form. Accordingly, no new matter has been added.

Claim Objections

Claim 58 was objected to as being in improper form. Claim 58 has been amended to be in proper form. Applicants respectfully request that this claim be reconsidered and the objection withdrawn.

Information Disclosure Statements

The Examiner has stated that Applicants' submission of information disclosure statements fails to comply with the provisions of 37 CFR 1.97, 1.98(c) and MPEP 609. Applicants respectfully disagree. These particular cited sections merely state, "When the disclosures of two or more patents or publications listed in an information disclosure statement are substantively cumulative, a copy of one of the patents or publications as specified in paragraph (a) of this section may be submitted without copies of the other patents or publications, provided that it is stated that these other patents or publications are cumulative."

This statement simply relieves the Applicant(s) of the duty to submit copies of cumulative documents. This statement in no way relieves the Examiner from considering the cited documents, even if they are cumulative. In fact, 37 CFR 1.97 specifically states that, "an information disclosure statement *shall be considered by the Office* if filed by the Applicant within in any one of the following time periods." (emphasis added). Applicants have submitted the information disclosure statements within one of the stated time periods. Therefore Applicants respectfully request that the current information disclosure statements on file be considered and the Examiner note such on the record.

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Rejection under 35 USC 103(a)

The Examiner has rejected claims 1-23, 25-41, 44-49, 52 and 58-73 as being obvious over U.S. Patent No. 6,573,350 to Markel et al. (hereinafter "Markel") in view of U.S. Patent No. 5,455,111 to Valasquez Urey (hereinafter "Urey"), and U.S. Patent No. 6,391,974 to Ogawa, et al., (hereinafter "Ogawa"). Applicants respectfully disagree and request reconsideration and withdrawal of the rejection.

The present invention relates to adhesives comprising a functionalized component and olefin polymers of C₃-40 olefins having a Dot T-Peel of 1 Newton or more, a branching index (g') of 0.95 or less measured at the M_z of the polymer, a weight average molecular weight (M_w) of 100,000 or less or a branching index (g') of 0.98 or less measured at the z-average molecular weight (M_z) of the polymer, and a weight average molecular weight (M_w) of 30,000 or less. The functionalized component is selected from the group consisting of functionalized polymers, functionalized oligomers and beta nucleating agents, wherein the beta nucleating agents are materials that cause at least 5% beta crystallization of the crystallization that occurs, with a K value of 0.05 or more.

The Examiner stated that the Markel reference discloses a propylene-based polymer suitable for hot melt adhesive applications with similar M_w and branching indices as the present invention. The examiner also stated that the reference fails to disclose functionalized additives.

The Urey reference was cited by the Examiner to show that polyolefin based hot melt adhesives are taught as comprising nucleating agents, plasticizers, wax and tackifiers. However, the disclosed additives of Urey are not necessarily functionalized, and Urey does not teach or suggest that they might be functionalized. Additionally, the Examiner has stated that the use of nucleating agents is also disclosed in the Urey reference. However, the present invention specifically involves beta nucleating agents. As amended, claim 1 more particularly describes these as materials that cause at least 5% beta crystallization of the crystallization that occurs, with a K value of 0.05 or more. These beta nucleating agents are a specific type of nucleating agent that causes a different type of crystallization than an ordinary nucleating agent. Therefore the very general disclosure of the addition of nucleating agents in Urey does not teach the

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addition of the very specialized nucleating agents of claim 1. Therefore the Urey reference fails to disclose what the Examiner states in the office action (see page 3) as absent from the Markel reference.

The Ogawa reference was cited simply to illustrate that polypropylene based hot melt adhesives have been used in tape and packaging. Therefore, alone or in combination, Markel and/or Urey and/or Ogawa fail to teach or suggest an adhesive comprising a functionalized component and an olefin polymer with the properties of claim 1, as listed herein. Therefore the present invention would not have been obvious to one of ordinary skill in the art. Based upon this reasoning, Applicants respectfully request that this rejection be withdrawn.

Conclusion

In light of the above, Applicants respectfully request reconsideration, withdrawal of the objections and rejections and allowance of the claims. Should the Examiner have any questions or if he believes it will expedite or assist his examination, he is invited and encouraged to telephone the undersigned attorney at his convenience.

4/25/07
Date:

Respectfully submitted,



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